

Applicant: Wendy L. Welshans
Serial No.: 10/711,284
Group Art Unit: 3643

REMARKS

Claims 10-24 remain in this application with claim 10 in independent form. Claims 1-9 were previously restricted and the Office has maintained the restriction. As such, Applicant was cancelled claims 1-9 without prejudice. Claims 10, 13, 23, and 24 have been amended and claims 12, 14, 18, and 22 have been cancelled.

Applicant appreciates the telephonic interview provided by Examiner Nguyen even though an agreement was not reached. The amendments presented above are as a result of the teleconference and Applicant thanks Examiner Nguyen for the discussion regarding the same and in advance for her consideration.

Claim 10 has been amended and is directed toward a housing assembly to farm members of the Order Arachnida 12 in a centralized location to collect silk therefrom. The housing assembly comprises a wall 22 establishing *an outer periphery* defining a work space 26 having a foot print 30 of a predetermined area. The wall 22 also defines *a plurality of frames 24 disposed therein*. Each of the frames 24 define *an open frame space* 28 having a predetermined area *of at least four feet* for housing the members of Order Arachnida 12 *to create a web 20 therein*. Said another way, a plurality of frames define an open frame space disposed in a wall establishing an outer periphery of a work space.

The housing assembly also includes a light source 36 disposed within the work space 26 for drawing a food source through the open frame space 28 and into the web 20. A roof 32 is supported by the wall 22 for covering the frames 24 and the work space 26. The roof 32 includes eaves 34 extending perpendicularly beyond the wall 22 *a predetermined distance of at least two feet* to protect the frames 24 from exterior environmental conditions. The assembly also has *a ratio* of the predetermined area of the

open frame space 28 to the predetermined area of the foot print 30 *of at least 1:5* to prevent territoriality of the members of Order Arachnida 12.

As amended, each and every feature of claim 10 is not disclosed, taught, or suggested in the cited references alone or in combination. Further, Tillinghast teaches away from the invention by housing silkworms disposed centrally in a cocoonery and not in open frame spaces defined in an outer periphery of the work space. As understood by those of ordinary skill in the art, silkworms do not spin webs, instead they spin cocoons made of silk about themselves. Also, silkworms are not territorial and do not exhibit cannibalistic tendencies, i.e., they do not kill one another when housed in close proximity to one another.

Further, Tillinghast discloses a room formed from posts or studs (A) that form the wall (*see page 1, lines 79*). The studs (A) are *covered with weather boarding* and openings are created near the eaves and the bottom. Shutters *hingedly close* these opening as illustrated as c, d, and e (*see page 2, lines 26-34*). Tillinghast explicitly states that these shutters are opened and closed for ventilation purposes and for cleaning debris from the floor. Since the openings are closed with shutters, members of the Order Arachnida are not able to create webs therein.

Tillinghast fails to disclose, teach, or suggest, the frames being *a minimum of at least four square feet* and *a ratio* of the predetermined area of the open frame space 28 to the predetermined area of the foot print 30 *of at least 1:5* to prevent territoriality of the members of Order Arachnida 12. Tillinghast also does not disclose, teach, or suggest, the eaves extending perpendicularly beyond the wall of at least two feet. Since the silkworms are located in the interior of the cocoonery, it is not necessary to protect the openings from exterior environmental conditions.

Landon et al. fails to disclose *a light source disposed within the work space*. Instead, Landon et al. discloses a light source that is disposed outside of the chamber that allows light to pass through a clear opening into the chamber. The subject invention relies upon the light source disposed within the work space to attract a food source into the webs created by the members of the Order Arachnida. Disposing the light source outside of the work space would not draw the food source into the webs and would instead draw the food source to the light source outside the work space. The subject invention seeks to provide a natural environment from which to harvest the silk from the members of the Order Arachnida. Therefore, providing a continuous food source is important to maintain the members of the Order Arachnida in the frames for harvesting. If the food source is not provided, the members of the Order Arachnida would likely vacate the frames making it difficult to harvest the silk therefrom.

Most structures are formed having eaves of less than two feet as it is not necessary to protect the structure from the exterior environmental conditions because there are not open frame spaces or webs formed therein. However, the subject invention has webs formed by the members of the Order Arachnida disposed in the *open frame spaces* and the webs are not protected from these exterior environmental conditions. Therefore, the eaves extend at least two feet beyond the wall to prevent the webs from being damaged.

As discussed in the specification as originally filed, the subject invention seeks to harvest the silk from the member of the Order Arachnida and the members of the Order Arachnida produce the best quality silk when they are in a natural environment instead of being caged in a laboratory. Housing the spiders in enclosed, separate cages increases the stress of the spiders and the increased stress results in the silk having inferior physical properties relative to silk produced from spiders in their natural environment. Thus, the

Applicant: Wendy L. Welshans
Serial No.: 10/711,284
Group Art Unit: 3643

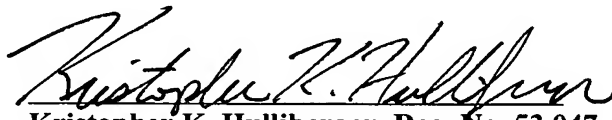
subject invention provides a housing assembly sufficiently sized and protected to allow the members of the Order Arachnida to produce high quality silk.

Further, to date, successful farming of members of the Order Arachnida has not been possible. As discussed in the article titled "*Spider scientists spin tough yarn and Unraveling Silk's Secrets, One Spider Species at a Time*", which has been previously cited by the Applicant, it is difficult or even impossible to farm spiders for the production of silk because of the spiders' cannibalistic nature. The subject invention provides the housing assembly having sufficient space between the frames, protection by eaves, and sufficient food sources that farming the members of the Order Arachnida is now possible without the cannibalistic tendencies of the members appearing.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789.

Respectfully submitted
HOWARD & HOWARD ATTORNEYS, P.C.

September 30, 2005
Date


Kristopher K. Hulliberger, Reg. No. 53,047
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304
(248) 723-0453



Applicant: Wendy L. Welshans
Serial No.: 10/711,284
Group Art Unit: 3643

CERTIFICATE OF MAILING

I hereby certify that this Amendment for United States Patent Application Serial Number 10/711,284 filed September 8, 2004 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 30, 2005.

Melissa Dadisman
Melissa S. Dadisman

KKH/